

EXHIBIT 2

PSC's Supplemental Responses to the
SSC Defendants' 1st RFAs

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION

THIS DOCUMENT RELATES TO:

Suits Naming Saint Thomas Outpatient
Neurosurgical Center, LLC And Related
Defendants

)
)
)
)
) MDL No. 2419
) Dkt. No. 1:13-md-2419 (RWZ)
)
)
)
)
)

**PLAINTIFFS' STEERING COMMITTEE'S FIRST SUPPLEMENTAL RESPONSES TO
SPECIALTY SURGERY CENTER, CROSSVILLE, PLLC, KENNETH R. LISTER, MD,
AND KENNETH LISTER, MD, PC'S, FIRST REQUESTS FOR ADMISSIONS
PROPOUNDED TO THE PLAINTIFFS**

Pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure, the Plaintiffs' Counsel hereby serves this First Supplemental Responses to the First Requests for Admission Propounded by the Defendants, Specialty Surgery Center, Crossville, PLLC, Kenneth R. Lister, MD, and Kenneth Lister, MD, PC's (collectively "Defendants" or "SSC Defendants").

INSTRUCTIONS DEFINITIONS AND OBJECTIONS

1. The term "Plaintiffs" shall mean all Plaintiffs who have pending cases against any of the SSC Defendants in active cases in the MDL.
2. The term "Plaintiffs' Counsel" shall mean the Tennessee State Chair as designated by Plaintiffs' Steering Committee pursuant to MDL Order No. 2.

RESPONSE TO REQUEST FOR ADMISSION NO. 101:

Admitted that an entity listed as “Sandoz, Inc.” is listed on the FDA’s “Drug Establishments Current Registration Site.” After making reasonable inquiry, Plaintiffs’ Counsel is without sufficient information to admit or deny any other statement in this Request.

FIRST SUPPLEMENTAL RESPONSE TO REQUEST FOR ADMISSION NO. 101:

Admit.

REQUEST FOR ADMISSION NO. 107:

Pharmacia and Upjohn, a subsidiary of Pfizer, is an FDA-registered manufacturer of MPA.

RESPONSE TO REQUEST FOR ADMISSION NO. 107:

Denied as phrased.

FIRST SUPPLEMENTAL RESPONSE TO REQUEST FOR ADMISSION NO. 107:

Admit.

REQUEST FOR ADMISSION NO. 113:

The report attached as Exhibit E is reliable.

RESPONSE TO REQUEST FOR ADMISSION NO. 113:

Denied.

FIRST SUPPLEMENTAL RESPONSE TO REQUEST FOR ADMISSION NO. 113:

Denied. The methodology of the survey as outlined on Page 3 of the Report does not outline a sound statistical approach to surveying and the survey's flaws, include, but are not limited to, the following:

- Small sample size;
- Reliance on self-reporting of results without any independent verification;
- The surveyor is not an unbiased, independent third party, but rather a party interested in the outcome of the survey's results, thereby potentially skewing the survey's results;
- The relative large number of hospitals and clinics requested to return the survey did not respond.

REQUEST FOR ADMISSION NO. 123:

The American Society of Health System Pharmacists ("ASHP") Research and Education Foundation's "Outsourcing Sterile Products Preparation: Contractor Assessment Tool" was not released until June 29, 2011.

RESPONSE TO REQUEST FOR ADMISSION NO. 123:

Plaintiffs admit that there is a version of a document entitled, "Outsourcing Sterile Products Preparation: Contractor Assessment Tool" that bears a copyright date of 2011. With regard to when this document was released, Plaintiffs state Plaintiffs' Counsel made reasonable inquiry regarding the matters stated in this request, and the information known or readily obtainable by the Plaintiffs' Counsel is insufficient to enable the Plaintiffs' Counsel to admit or deny this request. The information necessary to respond to this RFA is in the possession of third parties, and Plaintiffs have made a reasonable inquiry as to the documents within its possession,

and such information is insufficient to admit or deny. Further, Rule 36 does not impose upon Plaintiffs the duty to investigate or obtain documents within the possession of third parties in order to obtain information necessary to respond to an RFA. *See e.g., Henry v. Champlain Enterprises, Inc.*, 212 F.R.D. 73 (N.D. New York 2003) (collecting cases and authorities).

RESPONSE TO REQUEST FOR ADMISSION NO. 123:

Admit.

Dated: May 26, 2015

Respectfully submitted,

/s/ J. Gerard Stranch, IV

J. Gerard Stranch, IV
Benjamin A. Gastel
BRANSETTER, STRANCH & JENNINGS PLLC
227 Second Avenue North
Nashville, TN 37201
Telephone: (615) 254-8801
Facsimile: (615) 255-5419
gerards@branstetterlaw.com
beng@branstetterlaw.com

Plaintiffs' Counsel